

By: Moore

S.J.R. No. 17

SENATE
A

JOINT RESOLUTION

proposing a constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article XI of the Texas Constitution be amended by adding Section 12 to read as follows:

"Section 12. The legislature by general law may authorize a city or town to expend public funds for the relocation or replacement of sanitation sewer laterals on private property if the relocation or replacement is done in conjunction with or immediately following the replacement or relocation of sanitation sewer mains serving the property. The law must authorize the city or town to affix, with the consent of the owner of the private property, a lien on the property for the cost of relocating or replacing the sewer laterals on the property and must provide that the cost shall be assessed against the property with repayment by the property owner to be amortized over a period not to exceed five years at a rate of interest to be set as provided by the law. The lien may not be enforced until after five years have expired since the date the lien was affixed."

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 6, 1984. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit a city or

S. J. R. No. 17

- 1 town to expend public funds and levy assessments for the relocation
- 2 or replacement of sanitation sewer laterals on private property."

1 By: Brown

S.J.R. No. 17

2 (In the Senate - Filed February 24, 1983; February 28, 1983,
3 read first time and referred to Committee on Intergovernmental
4 Relations; March 9, 1983, reported favorably; March 9, 1983, sent
5 to printer.)

6 SENATE JOINT RESOLUTION

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17 immediately following the replacement or relocation of sanitation
18 sewer mains serving the property. The law must authorize the city
19 or town to affix, with the consent of the owner of the private
20 property, a lien on the property for the cost of relocating or
21 replacing the sewer laterals on the property and must provide that
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23 the property owner to be amortized over a period not to exceed five
24 years at a rate of interest to be set as provided by the law. The
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28 voters at an election to be held on November 6, 1984. The ballot
29 shall be printed to provide for voting for or against the
30 proposition: "The constitutional amendment to permit a city or
31 town to expend public funds and levy assessments for the relocation
32 or replacement of sanitation sewer laterals on private property."

33 * * * * *

34 Austin, Texas
35 March 9, 1983

36 Hon. William P. Hobby
37 President of the Senate

38 Sir:

39 We, your Committee on Intergovernmental Relations to which was
40 referred S.J.R. No. 17, have had the same under consideration, and
41 I am instructed to report it back to the Senate with the
42 recommendation that it do pass and be printed.

43 Traeger, Chairman

BILL ANALYSIS

S.J.R. 17

By: Brown

PURPOSE: Proposes a constitutional amendment to permit a municipality to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property.

SECTION 1

Amends Article XI of the Texas Constitution by adding a new section, Section 12.

SECTION 12 Enables the legislature to authorize municipalities to spend public funds for the replacement of sanitation sewer laterals on private property.

This can only be done in conjunction with the replacement of sanitation sewer mains serving the property and with the consent of the owner of the private property.

The cost of replacing the sewer laterals shall be assessed against the property with repayment by the property owner amortized over a period not to exceed five years.

The municipality shall affix a lien on the property for the cost assessed against the property owner. The lien may not be enforced until after five years have expired since it was affixed.

SECTION 2

This proposed amendment shall be submitted to the voters on November 6, 1984. Votes shall be cast for or against the proposition:

"The constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 2, 1983

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas


In Re: Senate Joint Resolution No. 17
By: Brown

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 17 (proposing a constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,748.


Jim Oliver
Director

Source: LBB Staff: JO, JH, AS

MAR 2 '83

LEGISLATIVE BUDGET BOARD

Austin, Texas

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Jim Oliver
Director

Source: LBB Staff: JO, JH, AS

Pennington

Committee Amendment No. 1

Amend S.J.R. No. 17 as follows:

On page 1, line 23, strike "November 6, 1984" and substitute

"November 8, 1983".

85/13/13
C.D.C.
5/4/83

ADOPTED

APR 28 1983

Betty Murray
Chief Clerk
House of Representatives

House am. #1
5/3/83

March 14 1983 Engrossed
Patsy Spaw
Engrossing Clerk

1983 MAR 21 AM 11:50

HOUSE OF REPRESENTATIVES
I certify that the attached is a true and correct
copy of SPR 11, which was
received from the Senate MAR 15 1983 and
referred to the Committee on Urban Affairs
Deputy Secretary
Chief Clerk of the House

By: Brown
(Wright)

S.J.R. No. 17

SENATE JOINT RESOLUTION

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expend public funds and levy assessments for the relocation or
replacement of sanitation sewer laterals on private property.

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or town to affix, with the consent of the owner of the private
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the date the lien was affixed."

SECTION 2. This proposed amendment shall be submitted to the
voters at an election to be held on November 6, 1984. The ballot
shall be printed to provide for voting for or against the
proposition: "The constitutional amendment to permit a city or

112
S.J.R. No. 17

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 2, 1983

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

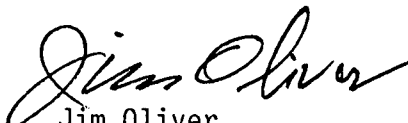
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Jim Oliver
Director

Source: LBB Staff: JO, JH, AS

HOUSE COMMITTEE REPORT

1983 APR -5 AM 11:43
HOUSE OF REPRESENTATIVES

1st Printing

By: Brown
(Wright)

S.J.R. No. 17

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S.J.R. No. 17

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S.J.R. No. 17

COMMITTEE AMENDMENT NO. 1

Amend S.J.R. No. 17 as follows:

On page 1, line 23, strike "November 6, 1984" and substitute "November 8, 1983".

Pennington

COMMITTEE REPORT

March 29, 1983
(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON URBAN AFFAIRS, to whom was referred SJR 17 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☐ do pass, without amendment.
☒ do pass, with amendment (1).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An author's fiscal statement was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure ☒ proposes new law. Proposes an amendment to the Constitution
☐ amends existing law.

House Sponsor of Senate Measure Wright

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Pierce, Ch.	X			
Luna, V.C.				X
Wolens, C.B.O.				X
Cain	X			
Colbert				X
Connelly	X			
Edwards	X			
Eikenburg	X			
English	X			
Hilbert	X			
McKenna	X			
Patrick	X			
Pennington	X			
Polumbo				X
Toomey	X			

Total

11 aye
0 nay
0 present, not voting
4 absent

G. Pierce
CHAIRMAN
R. Malch
COMMITTEE COORDINATOR

URBAN AFFAIRS

SENATE JOINT RESOLUTION 17 by Brown

ANALYSIS

Background Information

Some Texas cities find the need to replace badly deteriorated sanitation sewer mains. In some cases the mains need to be relocated, thereby causing the relocation or replacement of sewer laterals from residential properties. Many residents cannot afford to pay the replacement and relocation costs in one lump sum, and cities are prohibited by Article III, Section 52, and Article XI, Section 3 of the Texas Constitution from enhancing the value of private property in any way, including the absorption or deferred payment of costs.

Purpose and Synopsis

SJR 17 by Brown proposes a constitutional amendment to permit cities to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property. Article XI of the Texas Constitution is amended by adding Section 12 stating that the legislature may authorize a city to engage in such activity provided it is done in conjunction with the replacement or relocation of the sewer mains serving the property. Enabling legislation must authorize the city to place a lien against the property with the property owner's consent to pay for the assessed cost of lateral relocation or replacement which is to be amortized over a period of no more than five years.

This amendment shall be submitted to the voters on November 6, 1984.

Rulemaking Authority

It is the committee's opinion that SJR 17 does not delegate any rulemaking authority to a state official, agency, department, or institution.

Summary of Committee Action

HJR 42 by Wright, the companion to SJR 17 by Brown, was considered in a public hearing on March 1, 1983. Testifying in support of the measure were Firmin A. Hickey, Jr., and Bill Berryhill, both representing the City of Bellaire. No one testified in opposition. The measure was referred to a subcommittee which held a formal meeting on March 2, 1983. The subcommittee amended the resolution to require that this proposed amendment shall be submitted to the voters at an election to be held on November 8, 1983, rather than on November 6, 1984. The subcommittee reported the amended measure back to the full committee favorably. On March 29, 1983, the full committee considered the subcommittee report. At that time, the companion, SJR 17, was substituted and amended to conform to the amendment placed on HJR 42 by the subcommittee. The motion to report SJR 17 favorably with amendment carried with a vote of 11 Ayes, 0 Nays, 0 PNV and 4 Absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 23, 1983

Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas


In Re: Senate Joint Resolution No. 17,
as engrossed
By: Brown

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 17, as engrossed (proposing a constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,748.


Jim Oliver
Director

Source: LBB Staff: JO, JH, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 2, 1983

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

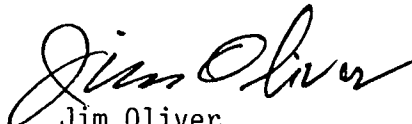
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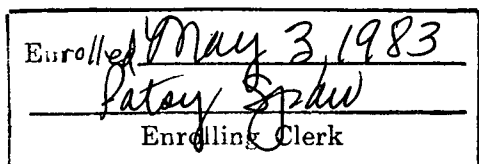
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S.J.R. No. 17

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President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 17 was passed by the Senate on March 14, 1983, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 3, 1983, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 17 was passed by the House, with amendment, on April 28, 1983, by the following vote: Yeas 134, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 2, 1983

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

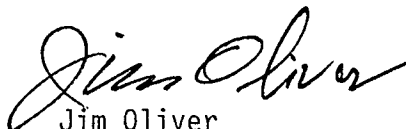
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Jim Oliver
Director

Source: LBB Staff: JO, JH, AS

Proposing a constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals or private property.

2-24-83 Filed with the Secretary of the Senate

2-28-83 Read, referred to Committee on Intergovernmental Relations

3-9-83 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

3-14-83 Senate and Constitutional Rules to permit consideration suspended by unanimous consent.
_____ years, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ nays.

3-14-83 Read second time and { ordered engrossed.
~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

3-14-83 Senate and Constitutional 3-Day Rules suspended by vote of 28 years, 1 nays to place bill on third reading and final passage.

3-14-83 Read third time and passed by { ~~a viva voce vote.~~
29 years, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

3-14-83 Engrossed

3-15-83 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

MAR 15 1983 Received from the Senate

MAR 17 1983 Read first time and referred to Committee on Urban Affairs

MAR 29 1983 Reported favorably amended, sent to Printer 8:35am

APR 5 1983 Printed and Distributed 11:43am

APR 5 1983 Sent to Committee on Calendars 3:30pm

APR 28 1983 Read second time amended and finally adopted
~~failed adoption~~ by Record Vote of 134 yeas 1 nays 1 present not voting

Read third time (amended) and finally adopted
failed adoption by a Record Vote of
_____ yeas _____ nays _____ present not voting

Caption ordered amended to conform to body of resolution

APR 28 1983 Returned to Senate.

APR 28 1983 RETURNED FROM HOUSE
with 1 amendment

MAY 3 1983 Senate concurred in House amend-
ments by the following vote: 29
yeas, 0 nays.

Betty Murray
Chief Clerk of the House